

ARIZONA PUBLIC SAFETY COMMUNICATIONS COMMISSION
Summary of Minutes
March 22, 2005

Voting Members Present:

Georgene Ramming, representing Interim Director David Felix, Arizona Department of Public Safety

Ray Allen, Assistant Fire Chief, Tucson Fire Department

Amy Brooks, Captain, Apache Junction Fire Department

Hal Collett, Sheriff, La Paz County, Arizona Sheriffs

Gordon Gartner, Chief, Payson Police Department

Bill Washington, representing Chief Richard Miranda, Tucson Police Department

Tracy Montgomery, Commander, Phoenix Police Department

Kathleen Paleski, Commander, Northern Arizona University PD

Larry Stevens, representing Chief Danny Sharp, Oro Valley Police Department

Lou Trammell, Assistant Director, Division of Emergency Management

Dan Wills, Chief, Sedona Fire Department

Mark Openshaw, representing Chief Kenneth Witkowski, Gila River Indian Community PD

Dewayne Woodie, Captain, Ganado Fire District/EMS

Mike Worrell, Captain, Phoenix Fire Department

Voting Members Absent:

Chairman David Felix, Interim Director, Arizona Department of Public Safety

Jan Hauk, President, Arizona Fire District Association

Danny Sharp, Chief, Oro Valley Police Department

Roberto Villasenor, Assistant Chief, Tucson Police Department

Kenneth Witkowski, Chief, Gila River Indian Community PD

PSCC Support Office Attendees:

Curt Knight, Executive Director, Public Safety Communications Commission

Deidra Strickland, Administrative Services Officer, Public Safety Communications Commission

Evelyn Jablonski, Executive Assistant, Public Safety Communications Commission

Call to Order and Roll Call

Ms. Georgene Ramming, Chief of Staff, Criminal Justice Support Division, chaired the meeting on behalf of Interim Director David Felix. The meeting was called to order at 1:05 p.m. Roll call was taken and is noted above.

Approval of Minutes from October 26, 2004 and January 11, 2005

The October 26, 2004 and January 11, 2005 minutes were presented for approval. Gordon Gartner brought to our attention that his name was reflected as being absent at the October 26, 2004 meeting. He stated he was present for both the October 26, 2004 and January 11, 2005 meetings. Chief Gartner made a motion to approve minutes with correction being noted. No further discussion took place on the minutes. Motion seconded and was unanimously carried.

Commission Ethics/Open Meeting Law (OML) Briefing

(PowerPoint presentation given by Ms. Lisa Maxie-Mullins of the Attorney General's Office.)

Curt Knight introduced Assistant Attorney General Ms. Lisa Maxie-Mullins of the Attorney General's Office. She serves as legal counsel for the Department of Public Safety and legal advisor to the Public Safety Communications Commission. Curt Knight emphasized since we are no longer an ad-hoc committee and now a formal Commission we need to be more conscientious of abiding by and following open meeting laws.

Ms. Maxie Mullins thanked the commissioners for volunteering their time and taking on this task to serve on this Commission. She stated this is an important task and a sacrifice taken on by each commissioner.

The presentation shared today by Ms. Maxie-Mullins does not replace the Ethics class given by the state and required of each commissioner. Ms. Maxie-Mullins distributed information to each commissioner which included Arizona Revised Statutes regarding OML and Conflict of Interest. Included with the packet of information was a Conflict of Interest form. As a Commission, we must now comply with OML and follow certain rules and regulations.

Ms. Maxie-Mullins went over several scenarios regarding ethical issues and what should be done when in those situations. The golden rule of open meeting laws is "All decision making must be carried out in public." A summary of those scenarios is listed below.

Notice of Public Meetings - 1) public must be given notice of all meetings including executive sessions 24-hours in advance; 2) public body may only discuss, deliberate or take legal action on items listed on agenda only; 3) meeting notice must be posted within 24-hours of scheduled meeting, exception to this would include emergency meeting.

Agenda Items and Call to the Public – 1) public body may only take legal action, discuss, deliberate items on agenda-related matters only; 2) public body may not discuss or take action on an item raised during the call to the public; 3) public body may take action from call to public when responding to criticism, to request staff to review/investigate issued presented by public, and to instruct staff to put matter on a future agenda.

Executive Sessions and Procedures – 1) are kept confidential; 2) not open to public audience and the public will be requested to leave room and take any items they have with them during these sessions; 3) seven specific statutory purposes for executive sessions: discuss personnel matters and confidential records, obtain legal advice, instructions regarding pending litigation/negotiations, employee compensation, negotiations with other entities, and disposition of real property; 4) executive sessions must be properly noticed; 5) majority of members present must vote to convene an executive session; 5) only those that need to be present are allowed; 6) executive sessions are memorialized with minutes; 6) all information shared in executive sessions are confidential unless there is an OML violation and an investigation is being conducted.

Splintering the Quorum – 1) all decision making must be done in public; 2) public body may not circumvent OML by conducting separate meetings via email, phone, in person or other mechanisms with only a few commission members present; 3) refrain from any discussions that appear to be in violation of OML.

Conflict of Interest and Procedure – Arizona law is clear, you are required as a public officer to remove yourself if you have a relative or substantial interest in a public body's decision. Questions to ask yourself: 1) Does my professional or financial concerns conflict with an unbiased performance of my duties? 2) Does anyone, myself or family member have anything to gain or lose? 3) Is this interest designated a remote interest? A list of remote interest is given in the statutes. Procedure – 1) Member must publicly disclose the conflict for the record. 2) Refrain from participation in the matter in anyway. Do not discuss the matter with other members at any time. 3) Recuse yourself; leave the room when discussion and voting are taking place. 4) Complete a Conflict of Interest form and return it to the Executive Director.

Ex-Parte Communication – Verbal or written communication with an entity/party regarding a PSCC issue. Avoid this type of communication at all cost. Why? 1) This communication is not accessible by the public. 2) Communication creates an appearance of impropriety.

If approached, refuse the communication, advise the party that you cannot discuss the issue and any discussion would preclude you from voting, contact PSCC Executive Director immediately so he/she can make record of it, and maybe discuss the communication with the legal advisor, if necessary.

Violation of OML – 1) Any actions taken at meeting are null and void. 2) The Attorney General or County Attorney's office may investigate the Commission or commissioners in question. They can appeal to the court if we are uncooperative. 3) Ratification of any previous actions. 4) A \$500 penalty, assessed court costs and attorney fees. 4) Removal from public office. 5) Embarrassment and loss of public trust.

Ms. Maxie-Mullins stated again, "All decision making must be carried out in public, no questions asked!"

Curt Knight mentioned we hope to have some subcommittees in the future and asked if activities of the subcommittee are bound by the same OML rules. Ms. Maxie-Mullins responded OML applies to any subcommittees, the only issue might be minute taking and we would need to look into on a case-by-case basis. Any action, we would need to post an agenda and the public would need to be advised of subcommittee meetings and may also be allowed at those meetings.

PSCC General Policies (Previously called "Charter")

Ms. Maxie-Mullins advised our enabling statute does not allow us to create a charter as a Commission. The charter will now be titled General Policies. A vote is not required only general consent by the commissioners.

Ray Allen questioned the definition of the word "shall" meaning must in the General Policies, specifically the statement numbered 3.3, Commissioners shall serve three year terms. He stated

his Notice of Appointment indicates the appointment would expire before three years. Ms. Maxie-Mullins responded from a legal perspective, the word “shall” would mean you must, it’s not an option. Curt Knight advised there are staggered terms. No further discussion took place.

Curt Knight advised our General Policies will be our guide on mode of operations/code of ethics as to how we will conduct business and meetings and suggested we keep the General Policies as a standard line item for future meetings in case we need to refer to them. Georgene Ramming suggested we include it in our packet of information at future meetings for reference to commissioners.

Interoperability and the Role of the Statewide Interoperability Executive Committee (SIEC) (PowerPoint presentation given by Steve Devine, Patrol Frequency Coordinator, Missouri State Highway Patrol.)

Curt Knight began by saying our enabling legislation supports the action of an SIEC. The Arizona SIEC is co-chaired by Paul Wilson, Pima County Sheriff’s Office, and John Maldonado, Phoenix Fire Department.

Curt Knight then introduced Mr. Steve Devine who is the Patrol Frequency Coordinator for the Missouri State Highway Patrol in Jefferson City, Missouri. His duties include managing regulatory responsibilities for the Patrol and serving as the Missouri APCO Local Frequency Advisor, in addition to 700/800 MHz regional planning, and national/state planning initiatives in Missouri. He serves on the National Public Safety Telecommunications Council (NPSTC) where he serves as Vice-Chairperson of the Spectrum Management Committee and chairs the NPSTC 4.9 GHz working group. He has testified before the United States Senate on Digital Television transition and how it impacts public safety 700 MHz spectrum and before the United States House of Representatives on interoperability planning.

The following topics were covered in Mr. Devine’s presentation:

Why was the SIEC concept created?

SIEC was created within the 700 MHz national planning process. The original concept was initiated by the FLEWUG (Federal Law Enforcement Wireless User’s Group) with comments to the FCC (Federal Communications Commission) but not mandated by them. The SIEC would serve as a single point of contact at the state and local level within a state/region.

Who should participate in SIEC’s?

Participants should be the first responder community (Police, Fire, EMS, Emergency Management), disaster response organizations, non-traditional local government users; everyone who can help in the event of a disaster should also be included. Critical infrastructure should be kept informed of interoperable initiatives and appropriate participation. The state’s role should be one of interoperability administration, not dominance.

What is responsibility of SIEC?

Responsibility of SIEC should be to communicate, define, identify and provide interoperable needs and direction to the state, user community and national planners. Steve Devine noted the

document should continually evolve with the interoperable landscape of a state and keeping aware of technological advancements.

When should SIEC meet?

SIEC should meet when they feel they can contribute to improved communications interoperability in their region.

What is required of them by the FCC?

SIEC is not required to submit an interoperability plan to the FCC. Recommendations to require an SIEC plan submission and periodic plan updating have not been implemented.

What can SIEC contribute to public safety communications in your state?

It can bring all users together to form a strategy to address all needs, provide direction to public safety communities in addressing its interoperable needs and it serves as a sounding board for the user community regarding communications as a body to remain cognizant of changes in their state.

What should the goals of your SIEC be?

Goals should be identified based on what your regions wants, being aware of your state's short/long-term needs and initiatives, and being able to identify solutions with a high interoperability "quotient" in a device or in a system as defined by each region.

Other key points addressed in Steve Devine's presentation were, SIEC was only defined as a mechanism to administer 700 channels which the National Coordination Committee (NCC) quickly recognized was good. That same administration is probably applicable to the other interoperability channels in the VHF, UHF and 800 bands. The SIEC can develop into whatever body it deems necessary but communication is the key to keep user's informed of channel changes, default code usage, etc. The NCC's recommendation for channel names to be set and be identified nationally was opposed. Incident command utilization and a structured hierarchy at the federal level should be adhered to in order to qualify for Homeland Security funding.

Steve Devine advised of recent FCC rules effective January 1, 2005 designating multi-discipline VHF and UHF interoperability channels being classified as primary with regard to their adjacent wideband channels. This is the first time the FCC designated a situation where narrowband channels take priority over wideband channels for the sake of interoperability. No longer will you see discipline-specific channels although they will continue to be in existent because of those already established. All new interoperability channels designated by the FCC will be multi-disciplined for all agencies to be able to use in any shape or form.

Additionally, should SIEC consider developing a statewide plan for use of these discipline-specific channels, should policeman have fire mutual aid and vice versus? It was decided each region depending on migration and evolvement as an interoperability community would be the one to decide that. It's important for the SIEC to establish parameters of how these channels, network access codes and tones are going to be used rather than coming to that realization later and trying to change it. Many users were looking for direction to effect interoperability. For example, recommendations have been made in Missouri to suggest when you buy a VHF radio

with Homeland Security funding it must operate between 138 and 174 MHz to provide you with more device capacity.

Arizona Statewide Interoperability Executive Committee (SIEC) (Handout titled “SIEC Action Items for Consideration” provided to commissioners.)

Curt Knight presented a list of items for discussion and/or debate for the Commission on what he believes an SIEC should do or what you would direct a SIEC subcommittee to do. Here is the list which prompted the following discussion.

SIEC Action Items for Consideration

- a) Assume coordination responsibility for all public safety interoperability channels.
- b) Develop operational procedures for inter and intra discipline use and training of the IARS system.
- c) Recommend a minimum equipment list for new subscriber equipment operating below 512 MHz to include:
 - 1) minimum number of channels
 - 2) minimum number of alphanumeric digits in the user interface
 - 3) must be narrow band capable
- d) Recommend programming standards for new and existing subscriber equipment to include:
 - 1) standard channel nomenclature (as equipment allows)
 - 2) standard channel placement (as equipment allows)
- e) Recommend standards for the implementation of new systems being deployed below 512 MHz
- f) Develop/distribute education and information bulletins directed to legacy VHF and UHF system operators reminding them of the current FCC narrow band requirements.

Dan Wills offered the following information on the SIEC as presently organized. The SIEC is co-chaired by Paul Wilson and John Maldonado and comprised of three subcommittees: technical, operational and administrative. Administrative would deal with IGA, policy and issues required to implement a plan; the technical would provide parameters to support what operational needs were. Co-committee chairs are established for the three groups.

Lou Trammell recommended the need for a committee or an action body in the state to set the standard as quickly as possible as people are starting to/thinking of transitioning to new systems and wanting to take advantage of Homeland Security funding. This led to further questions and discussion by several people on the Commission and Paul Wilson regarding whether the SIEC was a subcommittee of the PSCC as presently formed under a commission, if the SIEC and subcommittees are bound by the OML, and if the SIEC could continue as presently organized now that PSCC is a commission. Lou Trammell asked in a motion if it would be within this body’s authority to create a subdivision at this time? This motion was never completed as Lisa Maxie-Mullins gave the recommendation to wait until further legal review could be done.

Dan Wills questioned if the commission would like SIEC to continue on with the structure as it now stands due to a number of funding issues, grants pending/due and dollars being spent or wait

until a decision is made on what the structure will be. Curt Knight stated the Commission had the power to decide that and also to establish subcommittees, advise, educate, bring materials or recommendations to the Commission. After some discussion, Gordon Gartner motioned we encourage the existing SIEC to continue with their work and efforts while the SIEC relationship issue is resolved with legal counsel. Motion seconded by Hal Collett. Motion unanimously carried.

Lisa Maxie-Mullins advised the Commission she would research the legislative history on the SIEC being a subcommittee of the PSCC or a separate entity to clarify this issue. Without reviewing the legislative history, she wasn't prepared to offer legal advice and requested we place this on the next agenda. She advised the Commission to proceed with caution until then.

In closing, Curt Knight mentioned at our October 26, 2004 meeting there was a letter (dated December 6, 2001) from Director Dennis Garrett to Chief D'wana Terry within the Public Safety and Private Wireless Division of the FCC stating that the state of Arizona would not organize a separate SIEC but would rely on the PSCC for Arizona's interoperability plan. You may want to review the letter again and/or if you need a copy of the letter, please let the PSCC office know.

Concept of Operations (ConOps) Status

Curt Knight reported the PSCC Support Office will soon hire the Gartner Corporation to work with us on developing our Concept of Operations document. He emphasized this is not a technology document but more of a document that outlines the users needs and requirements. He stated he will be scheduling focus group meetings with 3 or 4 commission members at a time with the Gartner Corporation in the next couple of weeks. The commissioner's commitment to participate in these meetings is critical so Gartner can draw upon your experience and needs as administrators, users and practitioners in your discipline as the early stages of conceptual design begin. The plan is to have some diversity in the participants of the meeting, i.e., large metropolitan/small rural to help you understand some of the other issues of your peers on the commission and help you consider some other things that would be part of this Concept of Operations. No comments from the commissioners were received.

Department of Emergency and Military Affairs (DEMA)

Curt Knight briefed the commissioners on the RCC Consultants report for short and interim-term solutions in the state which has been completed, published and will be released tomorrow to the actual recipients or possible users in each county. The high points of the study were to expand the reach of their existing IARS (Interagency Radio System) network, to integrate the fire mutual aid and law enforcement channels into more of a common, neutral platform for all disciplines. Points brought up by Curt Knight were operational procedures on how IARS will be used when cross-discipline use of channels is implemented, how are they best administered or supervised in their standards of operation, how do we train for and use them? With multi-agency, large-incident planning, how do we take advantage of the IARS system to further the interoperability we are trying to figure out how to implement? This is not the final solution but something we can deploy in the next couple of months, less than a year, and experience significant improvements in interoperability, between disciplines, protocols and operations of radio.

Upon request of Curt Knight, Lou Trammell gave a brief history on the RCC report and the anticipated expenditure. The Department of Emergency and Military Affairs specifically the Division of Emergency Management was tasked by Governor Janet Napolitano to develop a near-term interoperability strategy for the state of Arizona. A cost estimate of a little over \$6.2 million was given by the consultant to achieve near-term interoperability across the state.

Division of Emergency Management began by hiring a consultant, a proposal for near-term solutions from the consultant was developed, currently they are preparing working plans on how this will be implemented, and the counties and sheriff's office have been brought into the study. Lou Trammell stated it is not a statewide 700 or 800 MHz system but it's about taking advantage of our legacy systems already out there now and doing what we can for the near term. Three million has been funded for the project from the Office of Homeland Security and anticipated funding will fall in the 2006 and maybe 2007 time frame to complete the project with possible funding assistance from the Commission itself.

Lou Trammell indicated he could provide hard copies or electronic format on CD of the proposed study and it would also be posted on the Division of Emergency Management website to allow the Commissioners an opportunity to review it before a vote is taken. The endorsement and support of this study from the commission is being solicited by the Adjutant General (see letter dated February 10, 2005 in your packet). Curt Knight actively participated in the original concept of the study, how it was to be studied as well as several edits of the report and felt we should endorse it. It was brought before the Commission for a vote. After some input by Dan Wills and Ray Allen, a motion was made by Dan Wills that the PSCC endorse and support this 11-county plan as presented with the understanding cooperation up to this point between PSCC, SIEC and DEM continue. Mike Worrell seconded the motion. Motion carried.

Curt Knight stated he would draft a response to the Adjutant General but would seek legal counsel on if we should wait until the next meeting to allow comment or whether he would be able to solicit individual responses to the letter by email.

Date, Time and Location of Next Meeting

May 24, 2005 at 1:00 p.m.

Arizona Peace Officer Standards & Training (AZPOST)

2643 East University, Phoenix, AZ

Call to the Public

Joe Noce (City of Mesa) announced MA/COM was able to demonstrate their subscriber equipment working on other manufacturer's P25 infrastructure. MA/COM is also building infrastructure in the UHF and VHF ranges as well as Motorola.

Joe Noce informed us the week of April 4 is the IWCE show in Las Vegas, Nevada. The EADS Company will announce or demonstrate they have infrastructure and radios in Phase I P25. Curt Knight asked the significance of two manufacturers making infrastructure. A major criticism of P25 was it was a single manufacturer and a de facto standard for a single manufacturer but now we have some competition.

Joe Noce informed us meetings began today in Shomberg, Illinois for the ISSI (Inter Sub-System Interface) Task Group. The ISSI essentially is the piece that allows P25 radio systems to talk to other P25 radio systems and actually being able to take trunking functionality with it between systems. We may have an ISSI standard by year end.

Bill Irland, Director of Communications, Native Air Services, introduced himself and requested the commission keep him informed of direction we are headed with P25 and interoperability of all radio communications and as a result of hearing Steve Devine's presentation to consider our decisions as they impact private industry.

Recommendations for Future Meetings

Lou Trammell made a recommendation to invite a representative from the tribal nation to our next meeting and give a briefing on Bureau of Indian Affairs initiatives going on across the entire nation that will impact interoperability and basic communications on the different reservations we have in the state. Curt Knight advised he would see about getting a representative from the tribal nation to give a briefing at our next meeting.

Lou Trammell mentioned when the Macro Corporation did their study they recommended 3 options in their report. He asked if there would be a point in time when this Commission or DPS will be making a recommendation informing all interested parties of the plan we have chosen. We have people wanting to move to this state-of-the-art system but are unaware of what it is. Dan Wills advised before we make any recommendations we should have some general discussions on the content of the Macro report. Curt Knight advised it was probably input for the SIEC when we make a recommendation and he would present it to the Commission by the next meeting.

Adjournment

Curt Knight stated enclosed in individual commissioner's packets are the original Notice of Appointments regarding your Loyalty Oath of Office document signed by the Governor, Secretary of State, commission member and Curt. For those substituting for a commission member today, please ensure the commissioner receives his/her copy.

Curt Knight introduced and welcomed our new commission member, Commander Tracy Montgomery.

Chairman Georgene Ramming advised a get well card would be placed at the back table for Interim Director David Felix for those that would like to sign.

Meeting adjourned at 3:05 pm.